

CLOSED

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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ERIC POTTER,

Plaintiff,

v.

WILLIAM J. FRASER, etc., et al.,

Defendants.

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Civil No. 10-4200 (GEB)

**ORDER**

For the reasons expressed in the Opinion filed herewith,

IT IS on this 13<sup>th</sup> day of JUNE, 2011,

ORDERED that the Clerk shall reopen the case and shall make a new and separate docket entry reading: "CIVIL CASE REOPENED;" and it is further

ORDERED that Plaintiff's application to proceed in forma pauperis is granted and the Clerk shall file the Complaint; and it is further

ORDERED that the federal claims in the Complaint with regard to the loss of personal property, searches, and failure to properly process grievances are DISMISSED WITH PREJUDICE for failure to state a claim upon which relief may be granted; and it is further

ORDERED that the federal claims in the Complaint regarding conditions of confinement, inadequate medical care, access to courts, and retaliation are DISMISSED, without prejudice to the filing of an amended complaint asserting a cognizable claim under 42 U.S.C. § 1983, within 30 days of the date of the entry of this Order; and it is further

ORDERED that, if Plaintiff files an amended complaint within 30 days of the date of the entry of this Order, then the Court will thereafter enter an order reopening the file and screening the amended complaint for dismissal; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b), the Clerk shall serve a copy of this Order by regular mail upon the Attorney General of the State of New Jersey and upon the Warden of Monmouth County Correctional Institution; and it is further

ORDERED that Plaintiff is assessed a filing fee of \$350.00 which shall be deducted from his prison account pursuant to 28 U.S.C. § 1915(b)(2); and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b)(1)(A), Plaintiff is assessed an initial partial filing fee equal to 20% of the average monthly deposits to the Plaintiff's prison account for the six month period immediately preceding the filing of the Complaint; when funds exist, the agency having custody of Plaintiff shall deduct said initial fee from Plaintiff's prison account and forward it to the Clerk; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b)(2), until the \$350.00 filing fee is paid, each subsequent month that the amount in Plaintiff's prison account exceeds \$10.00, the agency having custody of Plaintiff shall assess, deduct from the Plaintiff's account, and forward to the Clerk payments equal to 20% of the preceding month's income credited to Plaintiff's prison account, with each payment referencing the docket number of this action; and it is further

ORDERED that the Clerk shall serve this Order and the accompanying Opinion on Plaintiff by regular mail, and shall reclose the file; and it is finally

ORDERED that the Clerk shall make a new and separate docket entry reading "CIVIL CASE TERMINATED."



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GARRETT E. BROWN, JR.  
Chief Judge